

1 AKERMAN SENTERFITT LLP
2 JUSTIN D. BALSER (CA SBN 213478)
3 Email: justin.balser@akerman.com
4 BRIDGET M. MOSS (CA SBN 123652)
5 email: bridget.moss@akerman.com
6 MICHAEL B. WALL (CA SBN 252588)
7 email: michael.wall@akerman.com
725 South Figueroa Street, 38th Floor
8 Los Angeles, California 90017-5433
9 Telephone: (213) 688-9500
10 Facsimile: (213) 627-6342

11 AKERMAN SENTERFITT LLP
12 JUSTIN D. BALSER (CA SBN 213478)
13 Email: justin.balser@akerman.com
14 The Kittridge Building
15 511 Sixteenth Street, Suite 420
16 Denver, Colorado 80202
17 Telephone: (303) 260-7712
18 Facsimile: (303) 260-7714

19 Attorneys for Defendant
20 AURORA LOAN SERVICES LLC

21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SANDRA ERAZO,

Plaintiff,

v.

AURORA LOAN SERVICES, and DOES
1 TO 20, inclusive,

Defendants.

Case No. 3:09-CV-00149 MHP (ADR)
Hon. Marilyn H. Patel

**[PROPOSED] ORDER TO SHOW
CAUSE**

Date: April 20, 2009
Time: 3:00 p.m.
Courtroom: 15

Complaint Filed: January 13, 2009
Trial Date: None

Good cause appearing based on Plaintiff Sandra Erazo's ("Plaintiff") failure to appear at the hearing on Defendant Aurora Loan Services LLC's ("Aurora") Motion

1 to Dismiss Plaintiff's Complaint, and also based on the fact that Aurora's Motion to
2 Dismiss is well-taken by the Court and that Plaintiff's First Amended Complaint
3 appears to contain many of the same deficiencies:

4 **IT IS HEREBY ORDERED** that Plaintiff appear on April 20, 2009 at 3:00
5 p.m. in Courtroom 15 of the above-entitled Court, located at 450 Golden Gate
6 Avenue, 18th floor, San Francisco, California to show cause why this action should not
7 be dismissed with prejudice for lack of prosecution and based on the merits. ~~Plaintiff
8 must also have filed a further amended complaint by that time or the action will be
9 dismissed with prejudice.~~

10 Defendant Aurora shall not be required to answer or otherwise respond to the
proposed
11 amended complaint until further order of this Court at the April 20, 2009 hearing.

12 **IT IS SO ORDERED.**

13
14 Dated: 3/20/2009



PROOF OF SERVICE OVERNIGHT DELIVERY COURIER
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to this action. My business address is 725 South Figueroa Street, 38th Floor, Los Angeles, CA 90017.

On March 19, 2009, I served the following document(s) described as:

[PROPOSED] ORDER TO SHOW CAUSE

- by enclosing the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses as stated below:

Sandra Erzao
21 Lou Ann Place
Pittsburg, CA 94565

BY FEDERAL EXPRESS*

BY EXPRESS MAIL (USPS)*

BY _____ *

I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on March 19, 2009, at Los Angeles, California.

Victoria M. Rimac
Type Name

/s/ Victoria M. Rimac
Signature

* (BY FEDERAL EXPRESS OR EXPRESS MAIL OR OTHER OVERNIGHT COURIER, SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN DROP BOX OR AT AN OFFICE OR GIVING TO AUTHORIZED COURIER/DRIVER)